

STATE OF TENNESSEE

Office of the Attorney General



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Reply to:
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202

January 16, 2004

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

IN RE: CONSUMER ADVOCATE AND PROTECTION DIVISION'S INITIAL
COMMENTS REGARDING SCOPE OF THE PROCEDURAL PROCESS
NECESSARY TO ADDRESS REQUEST FOR EXEMPTION OF INTRALATA TOLL
SERVICE, Docket No. 03-00391

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division's *Initial Comments Regarding Scope of the Procedural Process Necessary to Address Request for Exemption of Intralata Toll Service*, in regards to Docket No. 03-00391. Kindly file same in this docket. Copies are being sent to all parties of record. If you have any questions, kindly contact me at (615)532-2590. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Joe Shirley".

JOE SHIRLEY

Assistant Attorney General

cc: All Parties of Record

#66649

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)	
)	
PETITION FOR EXEMPTION OF CERTAIN SERVICES)	DOCKET NO. 03-00391
)	
)	

**CONSUMER ADVOCATE AND PROTECTION DIVISION'S INITIAL COMMENTS
REGARDING THE SCOPE OF THE PROCEDURAL PROCESS NECESSARY TO
ADDRESS REQUEST FOR EXEMPTION OF INTRALATA TOLL SERVICE**

Comes now Paul G. Summers, Attorney General and Reporter for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of the Attorney General (hereinafter "Consumer Advocate"), pursuant to the *Order Granting Petition to Intervene and Adopting Procedural Schedule* entered by the Hearing Officer on January 8, 2004, and hereby submits the *Consumer Advocate and Protection Division's Initial Comments Regarding the Scope of the Procedural Process Necessary to Address Request for Exemption of IntraLATA Toll Service*.

The Consumer Advocate recommends the following procedural process:

1. BellSouth Telecommunications, Inc. and Citizens Communications, Inc. (collectively "Petitioners") should supplement their joint *Petition for Exemption of Certain Services*, if necessary, to fully set forth the factual circumstances and specific grounds that warrant the Tennessee Regulatory Authority's ("TRA") granting of the requested relief.
2. The parties should be given a fair opportunity to conduct discovery in accordance with the Tennessee Rules of Civil Procedure and TRA rules.
3. The parties should be given a fair opportunity to submit pre-filed direct testimony and pre-filed rebuttal testimony.
4. The TRA should conduct a Tenn. Code Ann. § 65-5-208(b) hearing, including live

witness testimony, on the merits of Petitioners' request to deregulate intraLATA toll service.


5. The TRA should permit the parties to set forth their final arguments and positions in post hearing briefs.

The Consumer Advocate recognizes the benefits of cooperation, negotiation and compromise; and that such good-faith efforts may lead to the streamlining or elimination of certain procedural requirements. It is well-understood, however, that a party must have access to relevant and sufficient information before it can effectively negotiate or otherwise compromise its position. Here, the Consumer Advocate currently is without such information and, therefore, is not in a position to waive any of its procedural rights in this case at this stage of the proceeding.¹

As the Consumer Advocate gathers and analyzes more information through investigation and discovery, it may be in a position to propose, consider and/or enter into settlements, stipulations or other agreements that could facilitate the resolution of this phase of the docket without strict adherence to the procedural requirements associated with traditional contested case proceedings.

RESPECTFULLY SUBMITTED,

PAUL G. SUMMERS, B.P.R. #6285
Attorney General and Reporter


JOE SHIRLEY, B.P.R. #022287
Assistant Attorney General

¹ For instance, the Consumer Advocate is interested in identifying and evaluating information regarding the current level of competition in the intraLATA toll market, the current regulatory requirements applicable to the various carriers operating in the intraLATA toll market, and the probable impact that deregulation of some or all of the identified regulatory requirements would have on consumers of intraLATA toll services. By this statement, the Consumer Advocate does not propose to limit the scope of its investigation, nor does it intend to restrict any of the issues that may be presented in this case.

Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202
(615) 532-2590

Dated: January 16, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via facsimile or first-class U.S. Mail, postage prepaid, on January 16, 2004, upon:


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